

REMARKS

In response to the Office Action dated August 30, 2007, Applicants respectfully request reconsideration based on the above amendments and following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 28 was rejected under 35 U.S.C. § 102 as being unpatentable over Dolan. This rejection is traversed for the following reasons.

Claim 28 recites “consulting the database to determine whether the incoming communication comprises the priority caller information, the priority caller information including a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers.” As stated in claim 28, a priority caller is determined from a priority code. The priority code is a subscriber generated code provided to a plurality of priority callers. In other words, the subscriber determines a code to be used by callers to identify themselves as priority and provides this priority code to potential callers. More than one caller may be provided with the priority code. This feature is supported in at least paragraph [0067] of Applicants’ specification.

Dolan fails to teach this feature. Dolan uses the caller phone number to determine the priority of the call as described in column 5, lines 5-28. Dolan does not teach using a priority code as recited in claim 28. Dolan makes reference to a “touch tone ID” from a caller (column 4, lines 25-28) but does not teach that this touch tone ID is a subscriber generated code provided to a plurality of priority callers nor does Dolan teach how this “touch tone ID” is used at all. Thus, Dolan fails to teach all the elements of claim 28.

For at least the above reasons, claim 28 is patentable over Dolan.

Claims 1-8, 11-18, 21, 23-25 and 29 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Hoopes. This rejection is traversed for the following reasons.

Claim 1 recites “a priority response comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.” In applying Dolan, the Examiner acknowledges that Dolan fails to teach this feature and relies on Hoopes for teaching a priority alert ring. Applicants submit that it would not have been obvious to include a priority alert signal in the system of Dolan.

Figure 11 of Dolan describes how a subscriber handles a call based on caller priorities (column 5, lines 55-67). As shown in Figure 11, the incoming call is answered only if the caller's priority is sufficient. If the caller's priority is sufficient, the called party subscriber is alerted to the call and makes a decision about how to handle the call. In receiving an incoming call in Dolan, the system determines if the caller has sufficient priority prior to notifying the subscriber. Thus, there is no need for a "priority alert ring" in Dolan as all calls connected to the subscriber have already been screened to determine if the caller has sufficient priority. A priority alert ring is not needed in Dolan as the priority decision has already been made before the call is routed to the subscriber. A priority alert ring would be redundant and unnecessary in Dolan as callers lacking the requisite priority are not connected to the subscriber. In Dolan, all connected calls have the requisite priority, and thus a priority alert ring is not needed. Therefore, there is no motivation to use a priority alert ring in Dolan. Accordingly, there is insufficient motivation to combine Dolan and Hoopes as proposed by the Examiner.

Furthermore, claim 1 recites, "the service control point determining a priority caller in response to a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers." Dolan fails to teach this feature. Dolan uses the caller phone number to determine the priority of the call as described in column 5, lines 5-28. Dolan does not teach using a priority code as recited in claim 28. Dolan makes reference to a "touch tone ID" from a caller (column 4, lines 25-28) but does not teach that this touch tone ID is a subscriber generated code provided to a plurality of priority callers nor does Dolan teach how this "touch tone ID" is used at all. Hoopes teaches distinguishing callers based on their unique caller number, but fails to teach any use of a priority code.

For at least the above reasons, claim 1 is patentable over Dolan in view of Hoopes. Claims 2, 3 and 5-8 depend from claim 1 and are patentable over Dolan in view of Hoopes for at least the reasons advanced with reference to claim 1. Claims 11-18, 21, 23-25 and 29 recite an alert signal for priority calls similar to that recited in claim 1 and are patentable over Dolan in view of Hoopes for at least the reasons advanced with reference to claim 1. Further, claims 11-18, 21, 23-25 and 29 recite a priority code similar to that recited in claim 1 and are

patentable over Dolan in view of Hoopes for at least the reasons advanced with reference to claim 1.

Claims 9-10, 19-20 and 26-27 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Hoopes and Taylor. This rejection is traversed for the following reasons. Taylor was relied upon for allegedly disclosing TCP/IP and VoIP telephony, but fails to cure the deficiencies of Dolan in view of Hoopes discussed above with reference to claims 1, 14 and 21. Taylor does not teach the use of an alert signal for priority calls. Claims 9-10 depend from claim 1, claims 19-20 depend from claim 14 and claims 26-27 depend from claim 21 and are patentable over Dolan in view of Hoopes and Taylor for at least the reasons advance with reference to claims 1, 14 and 21.

In view of the foregoing remarks, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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